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13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 COPYTELE, INC., a Delaware  
18 Corporation,

19 Plaintiff,

20 v.  
21 AU Optronics Corporation, a  
22 Taiwanese corporation; E INK  
23 HOLDINGS, INC., a Taiwanese  
24 corporation; and E INK CORPORATION,  
25 a Delaware corporation,

26 Defendants.

27 Case No. 3:13-cv-00380-EMC

28 **STIPULATION AND [PROPOSED]  
ORDER WITHDRAWING MOTION TO  
COMPEL ARBITRATION (DOCKET NO.  
54) AND STAYING CLAIMS PENDING  
ARBITRATION**

Date: June 27, 2013  
Time: 1:30 p.m.  
Dept: Courtroom 5, 17th Floor  
Judge: The Honorable Edward M. Chen

1           WHEREAS, on January 28, 2013, Plaintiff CopyTele, Inc. (“CopyTele”) filed the  
2 Complaint (“Complaint”) in the above-captioned action against Defendants and AU Optronics  
3 Corporation (“AUO”), a Taiwanese corporation, and E Ink Holdings, Inc., a Taiwanese  
4 corporation, E Ink Corporation, a Delaware corporation (collectively “E Ink”);

5           WHEREAS, on April 29, 2013, AUO filed a motion to stay litigation and compel  
6 arbitration (Docket No. 54);

7           WHEREAS, CopyTele has agreed to arbitrate the claims pled in its Complaint against  
8 AUO, and has agreed to stay the claims against AUO;

9           WHEREAS, CopyTele has not agreed to stay its claims against E Ink;

10          WHEREAS, in light of CopyTele’s agreement to arbitrate its claims against AUO and in  
11 the interest of judicial economy, AUO stipulates to withdraw its motion to stay litigation and  
12 compel arbitration;

13          **IT IS HEREBY STIPULATED AND AGREED** that:

14          1. AUO hereby withdraws its motion to compel arbitration (Docket No. 54) in light  
15           of the parties’ agreement to arbitrate all claims pled in the Complaint against  
16           AUO;  
17          2. The claims against AUO shall be stayed pending the outcome of the arbitration;  
18          3. The parties shall file quarterly status reports informing the Court of the status of  
19           the arbitration.

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1 Dated: June 26, 2013

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

3 By: /s/ Eric B. Fastiff  
4 Eric B. Fastiff

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11 Dated: June 26, 2013

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18 *Attorneys for Defendant AU OPTRONICS  
CORPORATION*

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## ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: June 26, 2013

/s/ David T. Rudolph  
David T. Rudolph

1                   **[PROPOSED] ORDER**

2                   **PURSUANT TO STIPULATION, IT IS SO ORDERED.** For good cause shown:

3                   1. AUO's motion to compel arbitration (Docket No. 54) is withdrawn;

4                   2. The claims against AUO shall be stayed pending the outcome of the arbitration;

5                   3. The parties shall file quarterly status reports informing the Court of the status of

6                   the arbitration.

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8                   Dated: 6/27, 2013



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